

REMARKS

Claims 1-3, 7 and 13-16 are pending in this application. By this Amendment, claims 1-3, 7 and 13-16 are amended. Support for the amendments to claims 1-3, 7 and 13-16 can be found, for example, in original claims 1-3, 7 and 13-16 and in FIG. 1. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Interview Request

As discussed during the September 29, 2005 telephone conference, Applicant respectfully requests that the Examiner contact the undersigned to schedule a personal interview before taking further action in this case.

Rejections Under 35 U.S.C. §103

A. **Mansfield, Koether and Sleep**

The Office Action rejects claim 1 under 35 U.S.C. §103(a) over U.S. Patent No. 6,283,914 to Mansfield et al. ("Mansfield") in view of U.S. Patent No. 5,331,575 to Koether et al. ("Koether") and U.S. Patent No. 6,317,648 to Sleep et al. ("Sleep"). Applicant respectfully traverses the rejection.

Claim 1 recites "[a] food information management system, comprising: a food processing plant for producing and shipping food in food packages, each of the food packages comprising an RFID tag storing at least food identification information relating to the food in the food package ... a food information center comprising a food database ... read means for reading the food identification information provided on the RFID tags and for sending the food identification information to the food information center ... output means for receiving the food information from the food information center ... wherein: when the read means sends the food identification information to the food information center, the food information center retrieves the food information associated with the food identification information, and

sends the food information to the output means; the read means and the output means are provided in a cooking device, and the read means and the output means interact with the food information center remotely over a network ..." (emphasis added). Mansfield, Koether and Sleep do not teach or suggest such a food information management system.

The Office Action asserts that Mansfield discloses a food information management system including a food database, information storage media incorporated into food items, read means for reading data from the information storage media, output means capable of receiving food information, and display means capable of displaying food information. The Office Action concedes that Mansfield does not disclose read means and output means provided in a cooking device or a food processing plant, but asserts that these features can be found in the disclosures of Koether and Sleep. Notwithstanding these assertions, Mansfield, Koether and Sleep would not have rendered obvious the food information management system of claim 1.

Claim 1 requires a food processing plant for producing and shipping food in food packages, each of the food packages comprising an RFID tag storing at least food identification information relating to the food in the food package. Mansfield is directed to a handheld device that can be used to display nutritional information when product barcodes are scanned. *See, e.g.*, column 1, lines 9 to 16. There is no remote teaching or suggestion in Mansfield regarding a plant for producing and shipping food in food packages including RFID tags. Moreover, the device in Mansfield scans barcodes on packages. *See, e.g.*, column 6, lines 33 to 37. There is no teaching or suggestion relating to obtaining information from an RFID tag. Koether, likewise, provides no teaching or suggestion regarding a plant for producing and shipping food in food packages including RFID tags. Koether is directed for a system for monitoring the condition of shortening in a fryer. *See, e.g.*, Abstract. Koether does not even tangentially relate to reading information from food packaging -- much less to

reading such information from an RFID tag. Sleep is directed to a system for filling bottles. *See, e.g., Abstract.* According to Sleep, on a conveyor line, bottles are carried on "pucks" that are provided with RFID tags. *See* column 7, lines 44 to 52. These pucks are not food packaging -- they never leave the bottling plant. Rather, they are reused continuously during the process of bottling. *See* column 6, lines 53 to 55. Sleep provides no teaching or suggestion of a food processing plant in which RFID tags are incorporated into food packaging. Accordingly, none of Mansfield, Koether and Sleep provides any teaching or suggestion regarding a plant for producing and shipping food in food packages including an RFID tag.

Claim 1 further requires read means for reading RFID tags and output means for receiving food information provided in a cooking device; the read means and output means interact with a food information center remotely over a network. The device of Mansfield does not include read means and output means in a cooking device that communicate with a remote food information center over a network. Rather, the alleged food information center feature of the device of Mansfield is composed of two "removable memory modules." *See* column 6, lines 38 to 44. That is, there is no network in Mansfield -- the food information is resident in the device that scans barcodes. Though, Koether appears to disclose fryers connected to a network (*see* FIG. 1), the fryers do not read data from food packages, and none of the disclosed remote computers sends food information data to the fryers. Sleep discloses a bottling system, but the bottling system does not include read means provided in a cooking device that read information from food packages, and the system does not provide food information in response to transmission of information obtained from the packages. Accordingly, none of the references teaches or suggests read means for reading RFID tags and output means for receiving food information provided in a cooking device where the read means and output means interact with a food information center remotely over a network.

Furthermore, the teachings of the cited references are extremely disparate, and one of ordinary skill in the art would not have been motivated to combine the references as suggested by the Office Action. Mansfield is directed to a handheld device for reviewing dietary information. The Office Action fails to demonstrate any teaching or suggestion of how the device of Mansfield could be improved by reference to the frying system of Koether or the bottling system of Sleep. The Office Action merely assembles isolated teachings to support the rejection. It is well settled that there must be some motivation, either in the prior art or in the knowledge of ordinary skilled artisans, suggesting that the features of the prior art should be combined. *See, e.g.*, MPEP §2142. The Office Action fails to demonstrate such motivation -- the only possible motivation comes, by impermissible hindsight, from the instant specification.

Claim 1 would not have been rendered obvious by Mansfield, Koether and Sleep. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Mansfield, Koether, Sleep and Neuhaus

The Office Action rejects claim 2 under 35 U.S.C. §103(a) over Mansfield in view of Koether, Sleep and U.S. Patent No. 5,832,446 to Neuhaus ("Neuhaus"). Applicant respectfully traverses the rejection.

For the reasons discussed above, Mansfield, Koether and Sleep do not teach or suggest the food information management system of claim 1. Neuhaus does not remedy the deficiencies of Mansfield, Koether and Sleep. Neuhaus is cited for its alleged teaching of cooking conditions for cooking foods. However, Neuhaus, like Mansfield, Koether and Sleep, fails to teach or suggest a plant for producing and shipping food in food packages including an RFID tag, or read means for reading RFID tags and output means for receiving food information provided in a cooking device where the read means and output means interact with a food information center remotely over a network. Accordingly, the

combination of Mansfield, Koether, Sleep and Neuhaus does not teach or suggest each and every feature of claim 1.

Claim 1 would not have been rendered obvious by Mansfield, Koether, Sleep and Neuhaus. Claim 2 depends from claim 1 and, thus, also would not have been rendered obvious by Mansfield, Koether, Sleep and Neuhaus. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Mansfield, Koether, Sleep and Hankins

The Office Action rejects claim 3 under 35 U.S.C. §103(a) over Mansfield in view of Koether, Sleep and GB 2,313,940 to Hankins ("Hankins"). Applicant respectfully traverses the rejection.

For the reasons discussed above, Mansfield, Koether and Sleep do not teach or suggest the food information management system of claim 1. Hankins does not remedy the deficiencies of Mansfield, Koether and Sleep. Hankins is cited for its alleged teaching of a database including forbidden ingredients. However, Hankins, like Mansfield, Koether and Sleep, fails to teach or suggest a plant for producing and shipping food in food packages including an RFID tag, or read means for reading RFID tags and output means for receiving food information provided in a cooking device where the read means and output means interact with a food information center remotely over a network. Accordingly, the combination of Mansfield, Koether, Sleep and Hankins does not teach or suggest each and every feature of claim 1.

Claim 3 would not have been rendered obvious by Mansfield, Koether, Sleep and Hankins. Claim 3 depends from claim 1 and, thus, also would not have been rendered obvious by Mansfield, Koether, Sleep and Hankins. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

D. Mansfield, Koether, Sleep and Electrolux

The Office Action rejects claim 7 under 35 U.S.C. §103(a) over Mansfield in view of Koether, Sleep and "Electrolux Previews Internet Refrigerator," allnetdevices.com, News Archive ("Electrolux"). Applicant respectfully traverses the rejection.

For the reasons discussed above, Mansfield, Koether and Sleep do not teach or suggest the food information management system of claim 1. Electrolux does not remedy the deficiencies of Mansfield, Koether and Sleep. Electrolux is cited for its alleged teaching of read means and output means linked to a food database over the Internet. However, Electrolux, like Mansfield, Koether and Sleep, fails to teach or suggest a plant for producing and shipping food in food packages including an RFID tag, or read means for reading RFID tags provided in a cooking device (*see also* Section E below). Accordingly, the combination of Mansfield, Koether, Sleep and Electrolux does not teach or suggest each and every feature of claim 1.

Claim 7 would not have been rendered obvious by Mansfield, Koether, Sleep and Electrolux. Claim 7 depends from claim 1 and, thus, also would not have been rendered obvious by Mansfield, Koether, Sleep and Electrolux. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

E. Mansfield, Electrolux and Sleep

The Office Action rejects claims 13 and 16 under 35 U.S.C. §103(a) over Mansfield in view of Electrolux and Sleep. Applicant respectfully traverses the rejection.

Claim 13, similarly to claim 1, recites "[a] food information management system, comprising: a food processing plant for producing and shipping food in food packages, each of the food packages comprising an RFID tag storing at least food identification information relating to the food in the food package ... read means for reading the food identification information provided on the RFID tags ... output means for receiving the food information ...

wherein: when the read means sends the food identification information to the food information center, the food information center retrieves the food information associated with the food identification information, and sends the food information to the output means; the read means and the output means are provided in a refrigerator, and the read means and the output means interact with the food information center remotely over a network ..."

(emphasis added). Mansfield, Electrolux and Sleep do not teach or suggest such a food information management system.

For the reasons discussed above with respect to claim 1, Mansfield and Sleep do not teach or suggest a plant for producing and shipping food in food packages including an RFID tag, or read means for reading RFID tags and output means for receiving food information provided in a cooking device where the read means and output means interact with a food information center remotely over a network. Electrolux is cited for its alleged teaching of read means and output means incorporated into a refrigerator that are linked to a food database over the Internet. Electrolux appears to disclose only a refrigerator including a flat screen monitor that is connected to the Internet via a modem. *See generally* Electrolux.

There is no disclosure of read means whatsoever, much less read means that read information from RFIDs provided in food packaging. As Electrolux provides no teach or suggestion of read means, it cannot be said the reference discloses read means that communicate with a food database over the Internet. Accordingly, Electrolux, like Mansfield and Sleep, fails to teach or suggest a plant for producing and shipping food in food packages including an RFID tag, or read means for reading RFID tags and output means for receiving food information provided in a cooking device where the read means and output means interact with a food information center remotely over a network. Moreover, as discussed above with respect to claim 1, the Office Action provides no reasonable justification as to why one of ordinary skill

in the art would have been motivated to combine the disparate teachings of the cited references.

Claim 13 would not have been rendered obvious by Mansfield, Electrolux and Sleep. Claim 16 depends from claim 13 and, thus, also would not have been rendered obvious by Mansfield, Electrolux and Sleep. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

F. Mansfield, Electrolux, Sleep and Neuhaus

The Office Action rejects claim 14 under 35 U.S.C. §103(a) over Mansfield in view of Electrolux, Sleep and Neuhaus. Applicant respectfully traverses the rejection.

For the reasons discussed above, Mansfield, Electrolux and Sleep do not teach or suggest the food information management system of claim 13. Neuhaus does not remedy the deficiencies of Mansfield, Electrolux and Sleep. Neuhaus is cited for its alleged teaching of cooking conditions for cooking foods. However, Neuhaus, like Mansfield, Electrolux and Sleep, fails to teach or suggest a plant for producing and shipping food in food packages including an RFID tag, or read means for reading RFID tags and output means for receiving food information provided in a cooking device where the read means and output means interact with a food information center remotely over a network. Accordingly, the combination of Mansfield, Electrolux, Sleep and Neuhaus does not teach or suggest each and every feature of claim 13.

Claim 13 would not have been rendered obvious by Mansfield, Electrolux, Sleep and Neuhaus. Claim 14 depends from claim 13 and, thus, also would not have been rendered obvious by Mansfield, Electrolux, Sleep and Neuhaus. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

G. Mansfield, Electrolux, Sleep and Hankins

The Office Action rejects claim 15 under 35 U.S.C. §103(a) over Mansfield in view of Electrolux, Sleep and Hankins. Applicant respectfully traverses the rejection.

For the reasons discussed above, Mansfield, Electrolux and Sleep do not teach or suggest the food information management system of claim 13. Hankins does not remedy the deficiencies of Mansfield, Electrolux and Sleep. Hankins is cited for its alleged teaching of a database including forbidden ingredients. However, Hankins, like Mansfield, Electrolux and Sleep, fails to teach or suggest a plant for producing and shipping food in food packages including an RFID tag, or read means for reading RFID tags and output means for receiving food information provided in a cooking device where the read means and output means interact with a food information center remotely over a network. Accordingly, the combination of Mansfield, Electrolux, Sleep and Hankins does not teach or suggest each and every feature of claim 13.

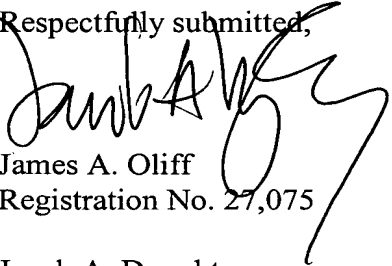
Claim 13 would not have been rendered obvious by Mansfield, Electrolux, Sleep and Hankins. Claim 15 depends from claim 13 and, thus, also would not have been rendered obvious by Mansfield, Electrolux, Sleep and Hankins. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 7 and 13-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jacob A. Doughty
Registration No. 46,671

JAO:JAD/hs

Date: October 4, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--